FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a zoning variance from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 55 ft. in lieu of the required 80 ft., side yard setbacks of 10 ft. and 4.5 ft., respectively, in lieu of the required 15 ft. each, a sum of side yards of 14.5 ft. in lieu of the required 35 ft. and to amend the approved variances in case No. 79-34-A, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner, Robert E. Lilley, appeared and testified and was represented by G. Scott Barhight, Esquire. There were no Protestants. Testimony indicated that the subject property, known as 28 Northwind Road, consists of .6479 acres +/-, zoned D.R.5.5, and is currently improved with a single family dwelling.

The Petitioner testified that he is desirous of constructing a 14,000 sq. ft. single family home for his parents, as indicated on Petitioner's Exhibit No. 1. Testimony and evidence indicated that the Petitioner had discussed this matter with his immediate neighbors who were in support of the granting of the requested relief.

The Petitioner further testified that the configuration of the lots in this community has created the need for the requested variances, and

that requiring strict compliance with the B.C.Z.R. would create a hardship and practical difficulty for the Petitioner.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Peti-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore ing Variance from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 55 ft. in lieu of the required 80 ft., side yard setbacks of 10 ft. and 4.5 ft., respectively, in lieu of the required 15 ft. each, a sum of side yards of 14.5 ft. in lieu of the required 35 ft. and to amend the approved variances in case No. 79-34-A, in accordance with Petitioner's Exhibit No. 1, is hereby granted, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> Zoning Commissioner for Baltimore County

cc: Peoples Counsel

Zoning Commissioner Office of Planning and Zoning

Baltimore County Government

111 West Chesapeake Avenue Towson, MD 21204

887-3353

May 2, 1991

G. Scott Barhight, Esquire Whiteford, Taylor, Preston, etc. 210 W. Pennsylvania Avenue Towson, Maryland 21204

> RE: Petition for Zoning Variance Case No. 91-283-A Robert E. Lilley, Petitioner

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, Robert Haires Zoning Commissioner

JRH:mmn

cc: Peoples Counsel cc: Mr. Robert E. Lilley

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-283-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section $rac{402.1}{}$ to permit a Not width of 55 feet in lieu of the required 80 feet, side yard setbacks of 10 and 4.5 feet, respectively, in lieu of the required 15 feet each, a sum of side yards of 14.5

feet in lieu of the required 35 feet, and to amend the approved variances in Case No. 79-34-A. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty)

The Petitioner's tract acreage (0.6479 acres) permits 3 dwelling units given the DR 5.5 zoning. A new rear panhandle lot can be created which complies with the Zoning Regulations. However, without the requested variances regarding the existing structure, the new panhandle lot could not be created, thereby depriving Petitioner of the full and proper use of his property. Numerous other panhandle lots have been created in the surrounding neighborhood. The proposed lot will be compatible with the existing neighborhood. MAD NETTE

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing E3 of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, underThat

penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Robert E. Lilley (Type or Print Name) tobet ? The 210 W. Pennsylvania Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted. G. Scott Barhight
Name210 W. Pennsylvania Avenue

EMDERED by the Zoning Commissioner of Baltimore County, this 18 th day of 1991, that the subject matter of this petition be posted on the property on or before the 3025 day of Jun., 1991.

ZONING CONTISSIONER OF BALTIMORE COUNTY

Towson, MD 21204

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-In Room 108, County Office Building in Towson, Baltimore County, on the 10 day of 91, 1991, at 2:30 o'clock,

AFFIDAVIT in support of residential zonting variance 91-283-4

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information berein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at 2828 Northwind Road,

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) My land permits 3 dwelling units. A new rear panhandle lot can be created in compliance with the Zoning Regulations. The variances are needed so that the front lot will comply. Numerous neighboring lots have been similarly subdivided. My new panhandle lot will be compatible with the neighborhood.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

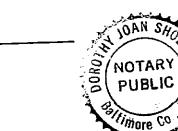
AFFIANT (Handwritten Signature) Robert E. Lilley_ AFFTANT (Printed Name)

AFFIANT (Handwritten Signature) AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

Robert E. Lilley the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/ber/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.



ZONING DESCRIPTION

#283

BEGINNING at a point on the northern side of Northwind Road, 1524.5 feet northwest of Harford Road, being Lot #34 of the Debaugh Farms as recorded in the Land Records of Baltimore County in Liber 5, folio 70.

Also known as 2828 Northwind Road.

CERTIFICATE OF POSTING

Location of Signer Focing North Wind No. 1574.5 W/ Horferd Rd.

Location of Signer Focing North Wind No. 1574.5 Property: 20 Fr

ZONING DEPARTMENT OF BALTIMORE COUNTY

ZONING DEPARTMENT OF BALTIMORE COUNTY 91-283-A Towner, Maryland

911	Date of Posting 3/15/9/
District 97	
Posted for: - Verionico	
Posted for: Petitioner: Sobot Es Solloy Location of property: N/S NovI win	d Pd., 1524.51 W/HOFORLRX
to into Non	Thulmo Rd. GUDIOX 1 /2 /271
vocation of Signs: 1 6 m fro forty	of Patitions
Posted by Signature	Date of return: 3/32/9/
Number of Signs:	

NOTICE OF HEARING The Z The Zoning Commissioner of Baltimore Baltimore County, by authority of the Zon the Zoning Act and Regulations of Baltim of Baltimore County will hold a public I public hearing on the property identified herein in Room 106 of the County Office Building, located at Cated at 111 W. Chesapeake Avenue in: enue in Towson, Maryland 21204 Case number: 91-283-A N/S Northwind Road 1524.5'W of Harlord Road 2828 Northwind Road 9th Election District Variance: to permit a lot width variance: to permit a lot width
of 55 fe
of 55 feet in lieu of the required 80
feet, si
4.5 fee
4.5 feet, side yard setbacks of 10 and
4.5 feet
required 15 feet each, a sum of
side yards of 14.5 feet in lieu of
the red
the required 35 feet, and to
amend
case #79-34-A.

J. ROBERT HAINES

Zoning Commissioner of Baltimore County N/J/3/ N/J/3/165 March 21.

CERTIFICATE OF PUBLICATION

3-26,1991

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., ____successive weeks, the first publication appearing

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

5. Zehe Orlms

3-26,1991 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ___ successive weeks, the first publication appearing on 3-21. 19 91.

THE JEFFERSONIAN,

5. Zefe Olisher
Publisher

County Office Building

Account: R-001-6150

\$85.00

H9100223 1718791 PRICE PUBLIC HEAR(NO FREE \$25.00 010 -EEMING VARIANCE (INL)

080 -POSTING SIGNS / ADVERTISTED 1 X \$60.00 LAST NAME OF OWNER: LILLEY

04A04#0043MICHRC

the second

Account: R-001-6150

19100925 4/10/91 PRICE PUBLIC HEARING FEES 080 -POSTING SIGNS / ADVERTISING 1 X FUIAL: ≨95.76 LAST NAME OF OWNER: LILLEY

> 04AD4#D146MICHRC Please Make Checks Payable To: Baltimore &danfy002:18PM04-10-91

111 West Chesapeake Avenue

Towson, MD 21204

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

***. ·

DATE: 4-5-91

Robert E. Lilley 2828 Northwind Road Baltimore, Maryland 21234

Dear Petitioner(s):

is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES ZONING CONNISSIONER BALTIMORE COUNTY, MARYLAND Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

March 11, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-283-A N/S Northwind Road, 1524.5' W of Harford Road 2828 Northwind Road 9th Election District - 6th Councilmanic Petitioner(s): Robert E. Lilley HEARING: WEDNESDAY, APRIL 10, 1991 at 2:30 p.m.

Variance to permit a lot width of 55 feet in lieu of the required 80 feet, side yard setbacks of 10 and 4.5 feet, respectively, in lieu of the required 15 feet each, a sum of side yards of 14.5 feet in lieu of the required 35 feet, and to amend the approved variances in Case #79-34-A.

J. Polast House

J. ROBERT HAINES Zoning Commissioner of Baltimore County

> cc: G. Scott Barhight, Esq. Robert E. Lilley

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

enue in Towson, Maryland 21204 as follows:

Case number: 91-283-A
N/S Northwind Road
1524.5'W of Harford Road
2828 Northwind Road
9th Election District
6th Councilmanic
Petitioner(s):
Robert E. Lilley

Variance: to permit a lot width

variance: to perint a tot want of 55 feet in lieu of the required 80 feet, side yard setbacks of 10 and 4.5 feet, respectively, in lieu of the required 15 feet each, a sum of side yards of 14.5 feet in lieu of the required 35 feet, and to amend the approved variances in Case #79-34-A.

J. ROBERT HAINES

887-3353

January 13, 1991

Petition for Residential Variance

G. Scott Barhight, Esquire 210 W. Pennsylvania Avenue Towson, MD 21204

RE: Item No. 283, Case No. 91-283-A Petitioner: Robert E. Lilley

Dear Mr. Barhight:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, Zoning Plans Advisory Committee

Enclosures

cc: Mr. Robert E. Lilley 2828 Northwind Road Baltimore, MD 21234

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Your petition has been received and accepted for filing this 4th day of January, 1990.

Petitioner: Robert E. Lilley Petitioner's Attorney: G. Scott Barhight

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zening Advisory Committee DATE: February 4, 1991 FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for January 29, 1991

The Developers Engineering Division has reviewed the subject soning items and we have no comments for Items 278, 279, 280, 284, 285, 286 and 287.

For Items 232, the previous County Beview Group Comments are still appliable.

For Item 200, this gits must be submitted through the minor subdivision promote for proving any comment.

COTEDT W. BOWLING, F.E. Chief Developers Engineering Pivision

RWB:s

received 2/5/9/

91-283-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines DATE: March 27, 1991 Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Robert E. Lilley, Item No. 283

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM283/ZAC1

Teceived3 28 9

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

Robert E. Lilley 2828 Northwind Road Baltimore, Maryland 21234

N/S Northwind Road, 1524.5" W of Harford Road 2828 Northwind Road

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before January 30, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is February 14, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

2902 Northwind Road Baltimore, Mi. 21234 April 9, 1991

To Whom It May Concern:

Robert Lilley, 2818 Northwind Road wishes to make a lot to the rear of his property with an access road between our two houses. I agree with this plan, and understand it will be completely on his property. This is common in our neighborhood and had not been

I had agreed to be with Mr. Lilley today, but due to a previous committment find I am unable to attend. The possibility of a home built by either Mr. Lilley or someone

else would also be no problem. Mr. Lilley keeps his property in top condition and is an asset to our neighborhood. I find him honest and fair in all our dealings.

Eloane J. Miller

FEITIONES 3

91-283A

2519 - + 5-45 Tall ticoman II . II Pe: Peoidential Coming Comionue i de la composition della comp The owner of Fot 35 (1992 Northwin) Post) will hare with my metition Sor remidential coming were now at 2800 Worthwine Come to allow an expens nors to the built between our two houses, to my lot in the mean of the errorerty . Thoming my of eyers settle we to is in it., with I invise in Then of 15 Seat each. Tot with 55 St. in lieu of 10 fact. A come of side particity. I sto in lieu of requires (i Doet), and to when the resultantly ammygraf femianias. This is to orbits a new mont man't mile lot. We take the owner of Bot 354 Garmawa tother laws letter.

CASE#: 91-283-A







EXHIBIT #4 PETITIONER'S

Lear Mrs. Rastarowers,

My name is Robert Lilley and I have applied from administrative Residential Moning Variance (ITEM 283 = 91-283-A) at my home located at 2828 Northwind Rd. (LOT. "34) The purpose is to allow lesser setbacks on my house to permit the correct right of way widthe for access to a future lot at the rear of my property.

as I attimpted to point out in my variance by means of pictures, drawing and plats, I believe my objectives to be in Complete Conjournaty with present and past development in my neighborhood. Both lots to my left = 32-33 are already subdivided as are many others both up and down my street. On my Right side (107 = 35) Mrs. miller has given me her sincere Blessing and best wishes, and has written you saying that she understands my intentions. The people who own the vacant lots accross the street + 61+62 are in the process of subdiding if in fact that process has not already been Completed. In addition my home and property were posted, giving anyone who had even the remotest inquiry or objection more then ample apportunity to make them known.

Vicinity_Map Scale l"-2000' WERT -Proposed LOT +34A LOT = 33 10T#35 — 5<u>.</u>2.0 —— Existing ExisTing DWG. Esisting DWG. DwG. LOT #61 Minimum Building Setback Lines (Masi) SCALE 1' = 60'

9 E Election DISTRICT 6 th CO. Zoned D.R. 5.5. 201 = 34 Subdivion of Debough Facus Public Villies (sewage mater) Gross Acreage: O.6479 Ac ± Not in Critical Area Existing and Proposed Use : Residential # 2828 Northwind Road

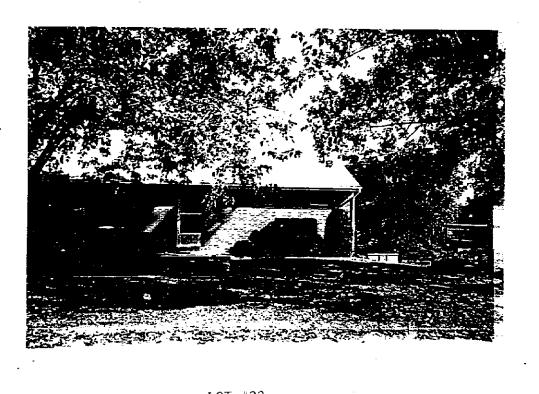
CASE#: 91-283-A



PETITIONER'S EXHIBIT #5

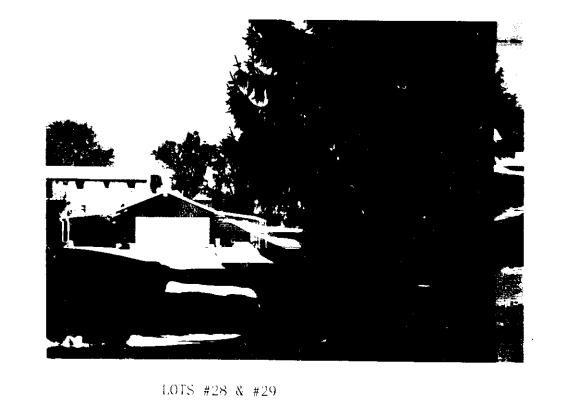
CASE#: 91-283-A





PETITIONER'S EXHIBIT #6

CASE#: 91-283-A



PETITIONER'S EXHIBIT # 7

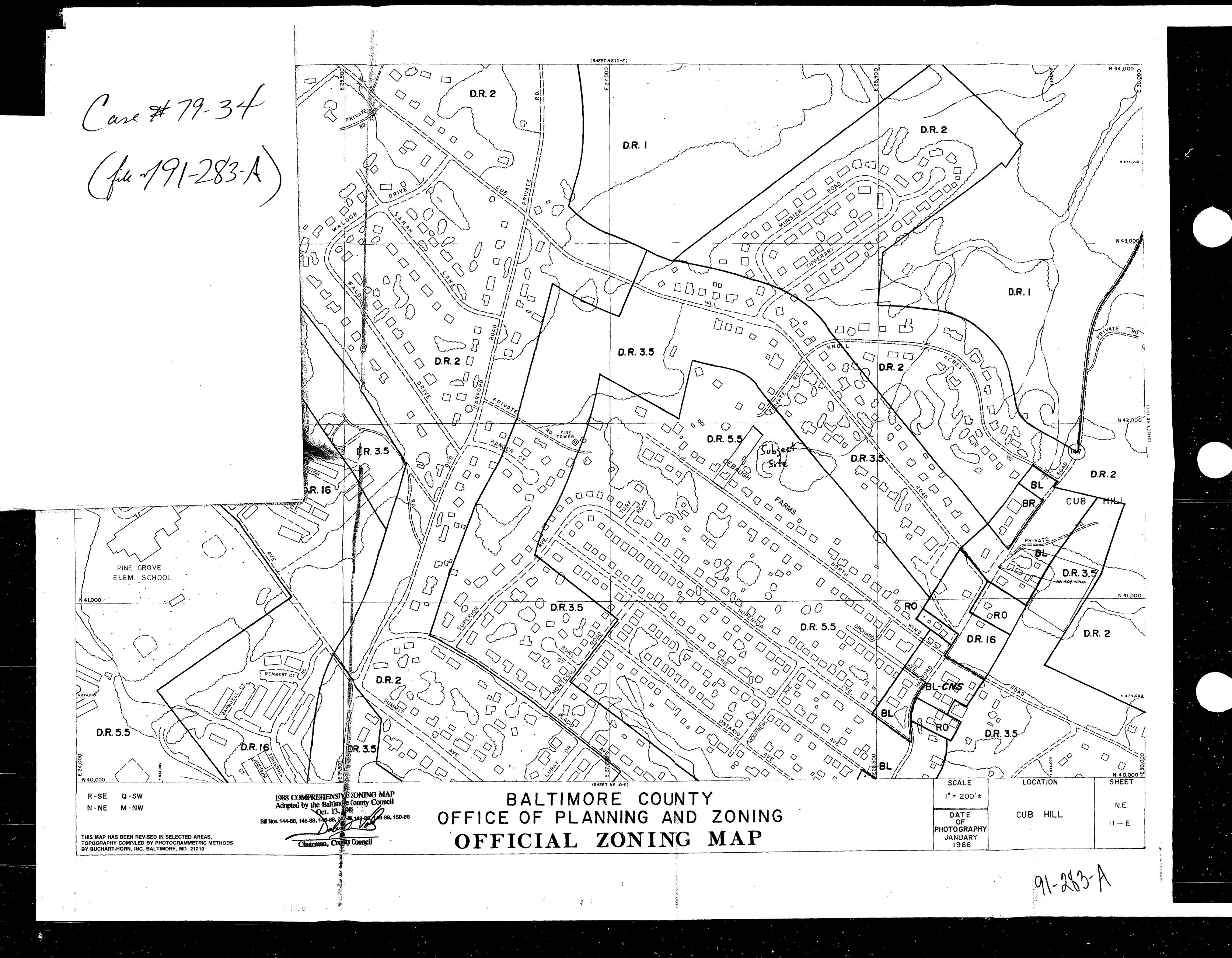
PETITIONERS
EXHIBIT 2

11-263

COUNTY ROAD TO CROMWELLS BRIDGE

1.PC. Nº 5 - 70

NTY, MD.
ADOUT BY.
HOWARD
Ingineer-Balto, Md.
June 17,1920.



*X**

